

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 111<sup>th</sup> Congress<sup>1</sup>**

[Date approved: April 2, 2010]<sup>2</sup>

**Bill No. and sponsor:** S. 1806 (Mr. Jon Kyl of Arizona).

**Proponent name,<sup>3</sup> location:** Gowan Company, Yuma, AZ.

**Other bills on product (111<sup>th</sup> Congress only):** None.

**Nature of bill:** Temporary duty suspension through December 31, 2011.

**Retroactive effect:** None.

**Suggested article description(s) for enactment (including appropriate HTS subheading(s)):**

*O,O*-Dimethyl *S*-phthalimidomethyl phosphorodithioate (Phosmet technical) (CAS No. 732-11-6)  
(provided for in subheading 2930.90.10).

**Check one:**     ☐ Same as that in bill as introduced.  
                  ☒ Different from that in bill as introduced (see Technical comments section).

**Product information, including uses/applications and source(s) of imports:**

The subject product is a broad spectrum insecticide that is used on fruit trees, nuts, and berries. The subject product is imported from Spain and China.

**Estimated effect on customs revenue for the subject product classifiable in HTS subheading 2930.90.10:**

	2010	2011	2012	2013	2014
					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports <sup>a</sup>	\$4,042,500	\$4,642,500	\$4,642,500	\$4,642,500	\$4,642,500
Customs revenue loss <sup>b</sup>	\$262,763	\$301,763	\$301,763	\$301,763	\$301,763

a/ Dutiable import estimates were provided by industry sources.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

<sup>1</sup> Industry analyst preparing report: Stephen Wanser (202-205-3363); Tariff Affairs contact: David G. Michels (202-205-3440).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://www.usitc.gov/tariff\\_affairs/congress\\_reports/](http://www.usitc.gov/tariff_affairs/congress_reports/).

<sup>3</sup> The sponsor did not identify any additional beneficiaries of this bill.

**Contacts with domestic firms/organizations (including the proponent):**

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Gowan Company (Proponent) Cindy Baker, 928-819-1554 <a href="mailto:cbaker@gowanco.com">cbaker@gowanco.com</a> George Rolofson, 336-580-1116 <a href="mailto:grolofson@triad.rr.com">grolofson@triad.rr.com</a>	11/20/2009	No	No	No
Arkema Inc. (Atofina) Brian Sowa, (Stra. Mark. Inno. 202-467-5459) <a href="mailto:Brian@strategicmi.com">Brian@strategicmi.com</a>	11/20/2009	No	No	No
BASF Corp. Greg Thies, 202-299-7240 <a href="mailto:gregory.theis@basf.com">gregory.theis@basf.com</a>	11/20/2009	No	No	No
Bayer CropScience, LLP Jean Reimers, 202-756-3779 <a href="mailto:jean.reimers@bayercropscience.com">jean.reimers@bayercropscience.com</a>	11/20/2009	No	No	No
Chemtura Corporation Matt Mattingley, 202-841-5601 <a href="mailto:matt@mattingleygroup.com">matt@mattingleygroup.com</a>	11/20/2009	No	No	No
CropLife America Doug Nelson, 202-872-3880 <a href="mailto:dnelson@croplifeamerica.org">dnelson@croplifeamerica.org</a>	11/20/2009	No	No	No
Dow AgroSciences Max Turnipseed, 225-338-0310 <a href="mailto:mctint@att.net">mctint@att.net</a> Lisa Schroeter, 202-429-3407 <a href="mailto:lmschroeter@dow.com">lmschroeter@dow.com</a>	11/20/2009	No	No	No
DuPont Elaine Olsen, 302-992-2263 <a href="mailto:elaine.m.olsen@usa.dupont.com">elaine.m.olsen@usa.dupont.com</a>	11/20/2009	No	No	No
FMC Corp. Jerry Prout, 202-956-5209 <a href="mailto:jerry.prout@fmc.com">jerry.prout@fmc.com</a> Steve Ziehm, 202-872-8181 <a href="mailto:sziehm@igc.com">sziehm@igc.com</a>	11/20/2009	No	No	No
Monsanto Corp. Michael Parrish, 202-383-2859 <a href="mailto:michael.parrish@monsanto.com">michael.parrish@monsanto.com</a>	11/20/2009	No	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Nufarm Limited Joel R. Junker, 206-621-7878 <a href="mailto:joel@jrjtradelaw.com">joel@jrjtradelaw.com</a> <a href="mailto:emily@jrjtradelaw.com">emily@jrjtradelaw.com</a>	11/20/2009	No	No	No
Solutia Inc. Kassie Wooton, 314-674-3297 <a href="mailto:kdwoot@solutia.com">kdwoot@solutia.com</a> Robert Hurley The Accord Group, 202-289-9800 <a href="mailto:rhurley@theaccordgroup.com">rhurley@theaccordgroup.com</a>	11/20/2009	No	No	No
Syngenta Crop Protection, Inc. Angus Kelly, 202-632-6084 <a href="mailto:angus.kelly@syngenta.com">angus.kelly@syngenta.com</a>	11/20/2009	No	No	No
United Phosphorous Inc. Diane Fago, 610- 491-2816 <a href="mailto:diane.fago@uniphos.com">diane.fago@uniphos.com</a>	11/20/2009	No	No	No
Valent USA Corp. Robin Demouth, 925-256-2758 <a href="mailto:robin.demouth@valent.com">robin.demouth@valent.com</a>	11/20/2009	No	No	No

#### Technical comments:<sup>4</sup>

The Commission staff suggests using the article description as shown on page 1 of this report in order to provide the correct chemical name.

<sup>4</sup> The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

111TH CONGRESS  
1ST SESSION

# S. 1806

To suspend temporarily the duty on Phosmet Technical.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2009

Mr. KYL introduced the following bill; which was read twice and referred to  
the Committee on Finance

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## A BILL

To suspend temporarily the duty on Phosmet Technical.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. PHOSMET TECHNICAL.**

4       (a) IN GENERAL.—Subchapter II of chapter 99 of  
5       the Harmonized Tariff Schedule of the United States is  
6       amended by inserting in numerical sequence the following  
7       new heading:

“	9902.01.00	2-(dimethoxyphosphinothioyl- sulfanylmethyl) isoindole-1,3- dione (Phosmet technical) (CAS No. 732–11–6) (pro- vided for in subheading 2930.90.10) .....	Free	No change	No change	On or before 12/31/2011	”.
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1       (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) applies to articles entered, or withdrawn  
3 from warehouse for consumption, on or after the 15th day  
4 after the date of the enactment of this Act.

